

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2024

In the Matter of

ALLIANCE OF WESTERN ENERGY
CONSUMERS,

Petition for Investigation Into Long-Term
Direct Access Programs.

SCHEDULING MEMORANDUM
ESTABLISHING FILING
REQUIREMENTS AND
DEADLINES

The Public Utility Commission of Oregon will conduct a prehearing conference in this proceeding in the near term. The purpose of the prehearing conference will be to identify parties, discuss the structure for the contested case process, and address the scope of the proceeding.

At the prehearing conference, participants should be prepared to address:

- Structure of the procedural schedule, including any proposals to phase the contested case process.
- Any scoping proposals, including updates on any progress made via workshops since the conclusion of the rulemaking process in docket AR 651.
- A proposed procedural schedule if the parties are ready to do so.

The following entities submitted petitions to intervene during the non-contested phase of this proceeding, some of which were granted limited intervenor status at that time:

Brookfield Renewable Trading and Marketing LP; Calpine Energy Solutions LLC; NewSun Energy, LLC; Northwest and Intermountain Power Producers Coalition; PacifiCorp dba Pacific Power; Portland General Electric Company; QTS Investment Properties Hillsboro, LLC; and Walmart, Inc.

I will consider the previously filed petitions to intervene as seeking full party status for the purposes of the contested case process. Any notice of intent to file an answer to a previously filed petition to intervene is due no later than 3:00 p.m. on October 19, 2023. The Commission strongly encourages any other person seeking to participate as a party in these proceedings to file a petition to intervene before the prehearing conference. See OAR 860-001-0300. Petitions to intervene received before the prehearing conference

may be ruled upon during the conference. Parties must indicate intent to file an answer to a petition to intervene within three business days after filing of the petition.

Alliance of Western Energy Consumers, Oregon Citizens Utility Board, and Staff of the Public Utility Commission of Oregon are full parties to this proceeding without any further action.

I request that all parties review the service list and ensure that their listed representatives are correct and that all contact information is current.

Attorneys not licensed in Oregon wanting to appear before the Commission in this docket must file an application for admission to appear pro hac vice. I remind parties that motions for admission pro hac vice are granted for a one-year period, thus for cases continuing over one year, an attorney appearing pro hac vice must file a new application to continue to participate in the case.

Any filings submitted in this proceeding are due by 3:00 p.m. to provide adequate processing time for the Filing Center. Filings submitted after 3:00 p.m. will be considered filed on the following business day.

Dated this 16th day of October, 2023, at Salem, Oregon.



Alison Lackey
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

NOTICE OF CONTESTED CASE RIGHTS AND PROCEDURES

Oregon law requires state agencies to provide parties written notice of contested case rights and procedures. Under ORS 183.413, you are entitled to be informed of the following:

Hearing: The time and place of any hearing held in these proceedings will be noticed separately. The Commission will hold the hearing under its general authority set forth in ORS 756.040 and use procedures set forth in ORS 756.518 through 756.610 and OAR Chapter 860, Division 001. Copies of these statutes and rules may be accessed via the Commission's website at <https://www.oregon.gov/puc/Pages/default.aspx>. The Commission will hear issues as identified by the parties.

Right to Attorney: As a party to these proceedings, you may be represented by counsel. Should you desire counsel but cannot afford one, legal aid may be able to assist you; parties are ordinarily represented by counsel. The Commission Staff, if participating as a party in the case, will be represented by the Department of Justice. Generally, once a hearing has begun, you will not be allowed to postpone the hearing to obtain counsel.

Notice to Active Duty Servicemembers: Active Duty Servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free telephone number.

Administrative Law Judge: The Commission has delegated the authority to preside over hearings to Administrative Law Judges (ALJs). The scope of an ALJ's authority is defined in OAR 860-001-0090. The ALJs make evidentiary and other procedural rulings, analyze the contested issues, and present legal and policy recommendations to the Commission.

Hearing Rights: You have the right to respond to all issues identified and present evidence and witnesses on those issues. *See* OAR 860-001-0450 through OAR 860-001-0490. You may obtain discovery from other parties through depositions, subpoenas, and data requests. *See* ORS 756.538 and 756.543; OAR 860-001-0500 through 860-001-0540.

Evidence: Evidence is generally admissible if it is of a type relied upon by reasonable persons in the conduct of their serious affairs. *See* OAR 860-001-0450. Objections to the admissibility of evidence must be made at the time the evidence is offered. Objections are generally made on grounds that the evidence is unreliable, irrelevant, repetitious, or because its probative value is outweighed by the danger of unfair prejudice, confusion of the issues, or undue delay. The order of presenting evidence is determined by the ALJ. The burden of presenting evidence to support an allegation rests with the person raising the allegation. Generally, once a hearing is completed, the ALJ will not allow the introduction of additional evidence without good cause.

Notice of Contested Case Rights and Procedures continued

Record: The hearing will be recorded, either by a court reporter or by audio digital recording, to preserve the testimony and other evidence presented. Parties may contact the court reporter about ordering a transcript or request, if available, a copy of the audio recording from the Commission for a fee set forth in OAR 860-001-0060. The hearing record will be made part of the evidentiary record that serves as the basis for the Commission's decision and, if necessary, the record on any judicial appeal.

Final Order and Appeal: After the hearing, the ALJ will prepare a draft order resolving all issues and present it to the Commission. The draft order is not open to party comment. The Commission will make the final decision in the case and may adopt, modify, or reject the ALJ's recommendation. If you disagree with the Commission's decision, you may request reconsideration of the final order within 60 days from the date of service of the order. *See* ORS 756.561 and OAR 860-001-0720. You may also file a petition for review with the Court of Appeals within 60 days from the date of service of the order. *See* ORS 756.610.